

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BEFORE THE HONORABLE WILHELMINA M. WRIGHT
UNITED STATES DISTRICT COURT JUDGE

(CHANGE OF PLEA HEARING)

APPEARANCES

For the Plaintiff: U.S. Attorney's Office
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Proceedings reported by court reporter; transcript produced by computer.

PROCEEDINGS

IN OPEN COURT

(Defendant present)

COURTROOM DEPUTY: The matter before the Court is
Case No. 19-CR-337, United State of America vs. Samuel Lamar
Brantley.

Counsel, please note your appearance for the record.

9 MS. BATES: Good morning. Samantha Bates and
10 Anders Folk for the United States.

THE COURT: Good morning.

12 MR. SICOLI: Good morning, Your Honor. Robert
13 Sicoli on behalf of Mr. Brantley.

14 THE COURT: Thank you. Good morning, Mr. Sicoli.
15 Good morning, Mr. Brantley.

THE DEFENDANT: Good morning, ma'am.

17 THE COURT: So we are here for a guilty plea
18 hearing today.

19 As an initial matter, I would like to remind
20 everybody that you should keep your face masks on while
21 you're in the courtroom. Certainly counsel or other
22 participants may temporarily remove them while you're
23 addressing the Court provided that you are appropriately
24 distanced from the people who are around you.

25 To begin with, if there is anything that I say

1 today, Mr. Brantley, that you do not hear or you do not
2 understand, please tell me so that I can clarify it for you.
3 And it's really important that you not answer a question
4 that confuses you or that you don't hear clearly.

5 I will be asking you many times if you understand
6 something. So please don't tell me that you understand
7 something unless you truly understand it and don't have any
8 questions about it. Okay?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: All right. And if you tell me that
11 you don't understand something, either I will explain it for
12 you or your counsel or one of the Assistant U.S. Attorneys
13 will explain it. Okay?

14 THE DEFENDANT: Okay.

15 THE COURT: All right. Now, because this is your
16 first appearance before me in connection with the charges
17 against you, I must advise you of several important matters.

18 First of all, you've been charged with two counts
19 of armed robbery, two counts of carrying a firearm during
20 and in relation to a crime of violence, conspiracy to commit
21 armed robbery, and disposing of a firearm to a felon. These
22 are all felony offenses that you've been charged with.

23 Now, you have the right to be represented by an
24 attorney during these proceedings and that right includes
25 the right to be represented by an attorney whom you hire; or

1 if you cannot afford to hire an attorney, you have the right
2 to have an attorney appointed to represent you at no cost to
3 you.

4 You also have the right to remain silent. You
5 don't have to answer any of my questions today. And if you
6 begin to answer one of my questions, you can stop at any
7 time and decide not to say anything more.

8 It's important for you to understand that any
9 statement that you make, anything that you say today may be
10 used against you. Do you understand that?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Now, are you a United States citizen,
13 Mr. Brantley?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. And have you received a copy of
16 the Indictment? The Indictment is the document that
17 contains the written charges that the government has made
18 against you.

19 THE DEFENDANT: Yes, I have.

20 THE COURT: Okay. And have you read the
21 Indictment?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Okay. And has Mr. Sicoli explained
24 the charges that are alleged against you and answered your
25 questions about those charges?

THE DEFENDANT: Yes, he has.

THE COURT: Okay. Mr. Sicoli, does Mr. Brantley waive his right to have the Indictment read?

4 MR. SICOLI: Yes, Your Honor.

5 THE COURT: Okay. So, Mr. Brantley, before I can
6 accept your guilty plea, I have to ask you several questions
7 and you must answer those questions under oath. So at this
8 time my courtroom deputy will swear you in.

9 COURTROOM DEPUTY: Please raise your right hand.

10 (Defendant sworn)

EXAMINATION

12 BY THE COURT:

13 Q. So, Mr. Brantley, you understand now you are under oath.
14 Because you are under oath, if you say anything that is not
15 true, you could be prosecuted for a separate crime and that
16 crime is perjury, and the government could use any false
17 statements that you give under oath against you in that
18 prosecution.

19 I expect you to tell the truth today, but I'm
20 telling you this because it is so important for you to
21 understand that you must be truthful in everything that you
22 say today. Do you understand that?

23 A. Yes, ma'am.

24 Q. Okay. And the most important thing for you to
25 understand is that if you plead guilty and I accept your

1 guilty plea, you'll not be able to change your mind and take
2 back your guilty plea.

3 So if anything happens today that confuses you or
4 that worries you, you should get the help that you need from
5 Mr. Sicoli or from me before you plead guilty, because after
6 you plead guilty it may be too late for you to get the help
7 that you need. Do you understand?

8 A. Yes, ma'am.

9 Q. Okay. Now, if you wish to speak with Mr. Sicoli at any
10 time today, you're welcome to do so. So if I ask a question
11 and you're not certain whether to answer that question or
12 how to answer that question, just tell me that you would
13 like to speak with Mr. Sicoli. I will give you an
14 opportunity to do so and you will be able to do so
15 confidentially. I won't be able to hear. No one else will
16 be able to hear. It will be a private conversation between
17 you and Mr. Sicoli. And I want you to understand I don't
18 mind waiting while you're doing that. Do you understand?

19 A. Yes, ma'am.

20 Q. Okay. Now, Mr. Brantley, I'll begin by asking you a few
21 questions to make sure that you are competent to enter a
22 guilty plea today.

23 So tell me your full name, Mr. Brantley.

24 A. Samuel Lamar Brantley.

25 Q. And, Mr. Brantley, have you ever used any other names?

1 A. Negative.

2 Q. Okay. And how old are you, Mr. Brantley?

3 A. I'm 33.

4 Q. And how far did you go in school?

5 A. I have two years of college.

6 Q. Okay. And based on our conversation, it appears that
7 you don't have any trouble understanding the English
8 language. Is that true?

9 A. That's true.

10 Q. Okay. And based on your education, you are able to
11 read, correct?

12 A. Yes, ma'am.

13 Q. And right now are you under the influence of any
14 alcohol?

15 A. No, ma'am.

16 Q. And have you had any in the last 24 hours?

17 A. No, ma'am.

18 Q. Okay. And next I have some questions about drug use and
19 when I say, "drug use," I mean any kind of drug. So that
20 includes prescription medication. It also includes
21 over-the-counter medication that you might take. Okay?

22 A. Um-hmm.

23 Q. Are you under the influence of any drug or medication at
24 this time?

25 A. No, ma'am.

1 Q. And have you taken any drug or medication in the last
2 24 hours?

3 A. No, ma'am.

4 Q. So you're generally in good health; is that correct?

5 A. Yes, ma'am.

6 Q. And you are thinking clearly today?

7 A. Yes, I am.

8 Q. Okay. Now, you're represented by Mr. Sicoli. Have you
9 fully discussed the charges against you with Mr. Sicoli?

10 A. Yes, I have.

11 Q. And have you told Mr. Sicoli everything that you want
12 him to know about your case?

13 A. Yes, ma'am.

14 Q. Okay. Now, are you fully satisfied with the legal
15 services that you've received from Mr. Sicoli?

16 A. Yes, ma'am.

17 Q. Okay.

18 THE COURT: And, Mr. Sicoli, have you had enough
19 time to investigate the law and the facts of Mr. Brantley's
20 case and to discuss them with him?

21 MR. SICOLI: Yes, Your Honor.

22 THE COURT: And based on your discussions,
23 Mr. Sicoli, are you satisfied that Mr. Brantley understands
24 the charges against him and the punishments that he faces?

25 MR. SICOLI: Yes, Your Honor.

1 THE COURT: Okay. And based on your conversations
2 with Mr. Brantley, are you satisfied that he is competent to
3 make the decision about whether to plead guilty today?

4 MR. SICOLI: Yes, Your Honor.

5 THE COURT: Okay.

6 BY THE COURT:

7 Q. So, Mr. Brantley, if you enter a guilty plea, you'll be
8 giving up a number of important rights and the law requires
9 that I review those rights with you before you make your
10 final decision about whether to plead guilty.

11 So, first, you have the right to plead not guilty
12 to the case and the -- I'm sorry, to the charges against
13 you. Do you understand that?

14 A. Yes, ma'am.

15 Q. And you have the right to have a trial with a jury
16 that's made up of 12 citizens from this district. Do you
17 understand?

18 A. Yes, ma'am.

19 Q. Okay. Now, you also have the right to a speedy trial,
20 and what that means is that if you do want to take your case
21 to trial, your trial would be held in the next few months.
22 You would not have to wait any longer than that. Do you
23 understand?

24 A. Yes, ma'am.

25 Q. Okay. You also have the right to be represented by an

1 attorney at every stage of this proceeding. So if you went
2 to trial, that would be before trial, during trial, and
3 after trial. Understood?

4 A. Yes, ma'am.

5 Q. Okay. Now, it's your right to be represented by an
6 attorney whom you hire; or if you cannot afford to hire an
7 attorney, you have the right to be represented by an
8 attorney who is appointed to represent you at no cost to
9 you. Understood?

10 A. Yes, ma'am.

11 Q. Okay. Now, if you went to trial, the government would
12 seek to prove your guilt by calling witnesses, who would
13 come here into this courtroom. They would be sworn. They
14 would sit in the witness stand and they would testify
15 against you.

16 You would have the right to confront those
17 witnesses, and what that means is that you would have the
18 right, first of all, to be physically present in this
19 courtroom whenever anyone testified at your trial so that
20 you could see and you could hear that testimony for
21 yourself. Understood?

22 A. Yes, ma'am.

23 Q. Okay. It also means that your attorney, Mr. Sicoli,
24 would have the right to ask questions of anyone who
25 testified at your trial to try to show the weaknesses in

1 their testimony. Understood?

2 A. Yes, ma'am.

3 Q. Okay. Now, you also would have the right to remain
4 silent at your trial and no one could force you to testify.
5 The decision whether to testify or not to testify would be
6 entirely your decision. Do you understand that?

7 A. Yes, ma'am.

8 Q. Okay. And if you decided not to testify, your silence
9 could not be used against you. So, in fact, if you wanted
10 me to, I would instruct the jurors in your case that when
11 they were deciding whether you had been proven guilty beyond
12 a reasonable doubt, they could not consider the fact that
13 you chose not to testify. Do you understand?

14 A. Yes, ma'am.

15 Q. Okay. Now, although you would not have to testify at
16 your trial or call any witnesses or present any evidence,
17 you'd have the right to do all of those things if you wished
18 to do so.

19 So you would have the right to take the stand and
20 testify before the jury on your own behalf and tell the jury
21 your side of the story. Do you understand that?

22 A. Yes, ma'am.

23 Q. Okay. You'd also have the right to call others to
24 testify on your behalf and, in fact, you could subpoena
25 witnesses, and what that means is that you could get a court

1 order from me requiring someone to testify at your trial,
2 whether that person wanted to or not. Understood?

3 A. Yes, ma'am.

4 Q. Okay. Now, if you did testify and if you did call
5 witnesses or present any evidence at your trial, that would
6 not change the burden of proof. The government would still
7 have the burden of proving your guilt beyond a reasonable
8 doubt. Understood?

9 A. Yes, ma'am.

10 Q. Okay. And if you went to trial, you could not be
11 convicted of any charge unless every single member of the
12 jury found that you had been proven guilty beyond a
13 reasonable doubt. So, in other words, any guilty verdict
14 would have to be unanimous, all 12 jurors would have to
15 agree. Do you understand that?

16 A. Yes, ma'am.

17 Q. Now, at trial, if you went to trial, you would be
18 presumed innocent and I would instruct the jurors that they
19 must presume that you are innocent. Do you understand that?

20 A. Yes, I do.

21 Q. Okay. So the burden would be on the United States or
22 the government to prove your guilt. It would not be on you
23 to prove your innocence. Understood?

24 A. Yes, ma'am.

25 Q. Okay. And not only would the burden be on the

1 government to prove your guilt, but the government would
2 have to prove your guilt beyond a reasonable doubt.

3 Understood?

4 A. Yes, ma'am.

5 Q. Okay. You wouldn't have to prove anything at your
6 trial, Mr. Brantley, and, in fact, I would instruct the
7 jurors that unless they were convinced of your guilt beyond
8 a reasonable doubt, they would have to find you not guilty.

9 Do you understand that?

10 A. Yes, ma'am.

11 Q. Okay. Now, finally, if you plead guilty and I accept
12 your guilty plea, you'll stand convicted of the charge that
13 you plead guilty to and you will not receive a trial on that
14 charge and you'll be giving up or you will give up all of
15 the other rights that I have just described.

16 So do you understand that if you plead guilty and
17 I accept your guilty plea, you'll be giving up all of the
18 rights that I just reviewed with you?

19 A. Yes, ma'am.

20 Q. Okay. So, Mr. Brantley, I understand that you're here
21 to plead guilty to Counts 1, 2, 3, 5, and 7 of the
22 Indictment. So we'll review now the nature of those
23 charges.

24 Count 1 of the Indictment charges you with armed
25 bank robbery and that's in violation of Title 18, United

1 States Code, Sections 2113(a) and 2113(d). Now, for you to
2 be convicted of this charge, the government would have to
3 prove beyond a reasonable doubt four elements:

4 First, the government would have to prove beyond a
5 reasonable doubt that on February 18th you, Mr. Brantley,
6 took approximately \$9,816 in United States currency from the
7 person and presence of victim tellers while that United
8 States currency was in the care or custody of Lake Area Bank
9 in White Bear Lake, Minnesota. That's the first element.

10 The second is that that taking was by force,
11 violence, and intimidation.

19 So that's Count 1. Any questions about that?

20 A. No, ma'am.

21 Q. Okay.

22 THE COURT: Counsel?

23 MS. BATES: Your Honor, I'm sorry. I believe that
24 you said February 18th, but it's actually, just for clarity,
25 February 22nd of 2018.

1 THE COURT: Thank you.

2 MS. BATES: Thank you.

5 BY THE COURT:

6 Q. The offense occurred on February 22, 2018. That's the
7 bank robbery that you are pleading guilty to as to Count 1,
8 correct?

9 A. Yes, ma'am.

10 Q. Okay.

11 THE COURT: Thank you, Counsel.

12 BY THE COURT:

13 Q. Now, as to Count 2 of the Indictment, it charges you
14 with armed bank robbery, in violation of Title 18, United
15 States Code, Sections 2113(a) and 2113(d). And for you to
16 be convicted of that charge, the government would have to
17 prove beyond a reasonable doubt four elements:

1 victim tellers in jeopardy by the use of a dangerous weapon
2 while taking that approximately \$88,618 in United States
3 currency.

7 Are there any questions about Count 2?

8 A. No, ma'am.

9 Q. Now, Count 3 of the Indictment charges you with
10 carrying a firearm during and in furtherance of a crime of
11 violence, in violation of Title 18, United States Code,
12 Section 924(c)(1)(A)(ii). And for you to be convicted of
13 this charge, the government would have to prove beyond a
14 reasonable doubt:

18 And, two, that you knowingly brandished a firearm
19 in furtherance of that bank robbery.

20 Any questions about Count 3, Mr. Brantley?

21 A. No, ma'am.

22 Q. Okay. Count 5 of the Indictment charges you with
23 conspiracy to commit armed bank robbery and that's a
24 violation of Title 18, United States Code, Sections 2113(a),
25 2113(d), and 371. For you to be convicted of this charge,

1 the government would have to prove beyond a reasonable doubt
2 four elements:

3 First, on or before February 22, 2018 and
4 continuing through at least on or about May 4, 2018 you and
5 at least one other person reached an agreement to commit the
6 crimes of bank robbery.

7 Two, you, Mr. Brantley, voluntarily and
8 intentionally entered into the agreement either at the time
9 it was first reached or at some later time while the
10 agreement was still in effect.

11 Third, at the time you joined in the agreement,
12 you knew the purpose of the agreement.

13 And, fourth, while that agreement was in effect, a
14 person or persons who had joined in the agreement knowingly
15 committed one or more of the acts -- or acts for the purpose
16 of carrying out or carrying forward that agreement.

17 Do you understand those elements of Count 5, which
18 is conspiracy to commit bank robbery?

19 A. Yes, ma'am.

20 Q. Okay. And then Count 7 of the Indictment charges
21 you with disposing a firearm to a felon, in violation of
22 Title 18, United States Code, Sections 922(d)(1) and
23 924(a)(2). Now, for you to be convicted of this charge, the
24 government would have to prove beyond a reasonable doubt
25 three elements:

1 The first element is that on or about May 22, 2018
2 you, Mr. Brantley, knowingly disposed of firearms,
3 specifically a Glock 27 handgun and a Heckler & Koch
4 handgun, to an individual known to you and identified in the
5 plea agreement as "the Shooter."

10 And, three, that at the time of the disposal you,
11 Mr. Brantley, knew or had reasonable cause to believe that
12 the person identified in the plea agreement as "the Shooter"
13 was a convicted felon.

14 Now, do you understand that these are the charges
15 against you to which you wish to plead guilty?

16 A. Yes, ma'am.

17 Q. Okay. I want to review with you, then, the penalties
18 that you'll be facing if you plead guilty to Counts 1, 2, 3,
19 5, and 7.

20 First imprisonment. As to Count 1, which is armed
21 bank robbery, up to a maximum of 25 years. As to Count 2,
22 armed bank robbery, again up to a maximum of 25 years. As
23 to Count 3, carrying a firearm in furtherance of a crime of
24 violence, there's a mandatory minimum term of seven years up
25 to a maximum term of life imprisonment. As to Count 5,

1 which is conspiracy to commit armed bank robbery, the
2 maximum penalty for imprisonment would be ten years. And as
3 to disposing of a firearm to a felon, up to a maximum of ten
4 years' imprisonment.

Now, as to supervised release for the offenses, that I'll review. First, for the armed bank robbery which is Count 1, that's up to a maximum of five years' supervised release. For Count 2, also armed bank robbery, up to five years of supervised release. As to Count 3, carrying a firearm in furtherance of a crime of violence, up to a maximum of five years' supervised release. As to Count 5, which is conspiracy to commit armed bank robbery, up to a maximum of three years' supervised release. And as to Count 7, which is disposing of a firearm to a felon, up to a maximum of three years' supervised release.

16 Do you have any questions about the supervised
17 release terms that you are exposed to in this case?

18 A. No, ma'am.

19 Q. Okay. Now let's move to the fines. As to Count 1, the
20 maximum fine is \$250,000. I could impose a fine for
21 Count 2, which is armed bank robbery, up to \$250,000. As to
22 Count 3, the maximum fine -- Count 3 being carrying a
23 firearm in furtherance of a crime of violence -- up to
24 \$250,000. As to Count 5, conspiracy to commit armed bank
25 robbery, the maximum potential fine is \$250,000. And as to

1 Count 7, disposing of a firearm to a felon, you could be
2 fined up to \$250,000.

3 Any question about that at this time,
4 Mr. Brantley?

5 A. No, ma'am.

6 Q. Now, there is a mandatory special assessment of \$100 per
7 count and that's due at the time of sentencing.

8 Also, under the Mandatory Victim Restitution Act,
9 I'm required to order you to pay restitution to the victims
10 of your crime.

11 I also could order you to forfeit the property
12 that's described in the forfeiture section of the Indictment
13 and in paragraph 11 of the plea agreement.

14 And, finally, I could order you to pay the costs
15 of prosecuting you.

16 So, Mr. Brantley, do you understand that these are
17 the penalties that might be imposed if you plead guilty to
18 these offenses?

19 A. Yes, ma'am.

20 Q. Okay. Now, I mentioned supervised release as a penalty,
21 and I'll explain what supervised release is now. Supervised
22 release is what happens after a person convicted of a crime
23 is released from prison.

24 So first I'll decide how long you must serve on
25 supervised release, and I'll also decide what conditions you

1 must follow while you're on supervised release.

2 Now, if you were to violate any of the conditions
3 of your supervised release, you could be sent back to prison
4 and kept in prison for up to the full length of your term of
5 supervised release without getting any credit for the time
6 that you had already served on supervised release prior to
7 your violation. Do you understand that?

8 A. Yes, ma'am.

9 Q. Okay. And I need to also advise you that there is no
10 parole in our prison system, in the federal prison system.
11 So if you are sentenced to prison, you will have to serve
12 your full sentence. You will not be released early on
13 parole. Do you understand that?

14 A. Yes, ma'am.

15 Q. Okay. And also because you are a United States citizen
16 and you've been charged with a felony offense, if you plead
17 guilty to any felony offense, you may lose your rights to
18 vote, to hold public office, to serve on a jury, and to
19 possess certain types of weapons, including a firearm or
20 ammunition. Do you understand that?

21 A. Yes, ma'am.

22 Q. Okay. So I understand that you've entered into a plea
23 agreement with the United States. Is that correct,
24 Mr. Brantley?

25 A. That's correct.

1 Q. Okay. Have you read the plea agreement?

2 A. Yes, ma'am.

3 Q. And has Mr. Sicoli carefully gone through the plea
4 agreement with you and explained the terms of the plea
5 agreement?

6 A. Yes, he has.

7 Q. And has he answered all of your questions about the plea
8 agreement?

9 A. Yes. Yes, ma'am.

10 Q. Okay. And do you, Mr. Brantley, believe that you
11 understand the terms of the plea agreement?

12 A. Yes, ma'am.

13 Q. Okay. So I will review with you some of the terms of
14 the plea agreement now, not all of them.

15 Now, if you plead guilty, you'll give up your
16 right to file any motions before trial, and those would be
17 motions or requests asking me to rule that certain evidence
18 can't be used against you. Do you understand that?

19 A. Yes, ma'am.

20 Q. Okay. And your plea agreement provides that you accept
21 responsibility for your criminal conduct, which may entitle
22 you to a reduction in your guidelines offense level so long
23 as you continue to cooperate with this process and provide
24 requested information as it relates to the charged criminal
25 conduct, that being the conduct that's described in the plea

1 agreement.

2 Now, the government has indicated it will
3 recommend a two-level reduction and will move for an
4 additional one-level reduction so long as you continue to
5 accept responsibility and cooperate with this process.

6 So, Mr. Brantley, do you understand that it is
7 entirely up to the government or the United States to decide
8 whether to make a motion for a reduction based on your
9 acceptance of responsibility for your criminal conduct?

10 A. Yes, ma'am.

11 Q. Okay. And do you also understand that even if you
12 believe you've satisfied the requirements for a reduction,
13 the government might disagree and choose not to make that
14 motion; you understand that?

15 A. Yes, ma'am.

16 Q. Okay. And do you also understand that even if the
17 government does move for a reduction, I might deny the
18 motion and decide not to reduce your sentence; you
19 understand that's a possibility?

20 A. Yes, ma'am.

21 Q. Okay. And, again, do you understand that no matter what
22 happens as it relates to your acceptance of responsibility,
23 you will not be able to withdraw or take back your guilty
24 plea; understood?

25 A. Yes, ma'am.

1 Q. Okay. Now, after I impose the sentence, the government
2 will have a right to appeal that sentence if the government
3 thinks that I made a mistake or gave you a sentence that was
4 too short. Do you understand that?

5 A. Say that again, please.

6 Q. Okay. So after I impose your sentence, the government
7 will have the right to appeal your sentence if the
8 government thinks that I made a mistake or if the government
9 thinks that I sentenced you to a term of imprisonment that
10 was too short. Do you understand that?

11 A. Yes, ma'am.

12 Q. Okay. And also a defendant in a criminal case normally
13 has the right to appeal a sentence if that defendant thinks
14 that I made a mistake or gave a sentence that was too long.
15 But in your plea agreement you agreed that if I sentence you
16 to serve 162 months of imprisonment or a shorter length of
17 time, you will not have the right to appeal your sentence.
18 It's only if I impose a sentence of more than 162 months'
19 imprisonment that you'll have the right to appeal your
20 sentence. Do you understand those limitations on your right
21 to appeal your sentence?

22 A. Yes, ma'am.

23 Q. Okay. Now, finally, the government has agreed that if
24 you plead guilty to Counts 1, 2, 3, 5, and 7, the government
25 will move to dismiss Counts 4 and 6 when you're sentenced on

1 Counts 1, 2, 3, 5, and 7. So if that occurs, the judgment
2 in this case will include a dismissal of Counts 4 and 6. Do
3 you understand that?

4 A. Yes, ma'am.

5 Q. Okay.

6 THE COURT: Now, at this time, Ms. Bates --

7 MS. BATES: Yes, Your Honor.

8 THE COURT: -- I'll ask you to review with
9 Mr. Brantley the guidelines calculations that are contained
10 in the plea agreement and any other important provisions of
11 the plea agreement that I haven't already covered other than
12 the factual basis, and I'll ask you to establish the factual
13 basis a little bit later in the hearing.

14 MS. BATES: Thank you, Your Honor.

15 THE COURT: You're welcome.

16 **EXAMINATION**

17 BY MS. BATES:

18 Q. Good morning, Mr. Brantley.

19 A. Good morning.

20 Q. We're just going to go over some of the guideline
21 calculations. They start on page 7 of the plea agreement.
22 Okay?

23 A. Okay.

24 Q. Have you had a chance to thoroughly go over these
25 guideline calculations with Mr. Sicoli?

1 A. Yes, I have.

2 Q. And did he go over the fact that you're being sentenced
3 in accordance with the Federal Sentencing Act and the United
4 States Sentencing Guidelines with you?

5 A. Yes, ma'am.

6 Q. And did he go over the fact that some of these counts
7 group together to come to a cumulative base offense level?

8 A. Yes.

9 Q. And that cumulative base offense level was 30, correct?

10 A. Yes.

11 Q. And do you understand how the counts group together to
12 come to the base offense level of 30 and agree with that
13 base offense level?

14 A. Yes, I do.

15 Q. Then after you take that base offense level of 30,
16 assuming that you proceed and cooperate with all of the
17 rules laid out in this plea agreement, you will receive,
18 most likely, two points off for acceptance as well as an
19 additional point off at sentencing if the United States
20 moves for those points. Do you understand that?

21 A. Yes, I do.

22 Q. Assuming that that happens, then your base offense level
23 will be 27. Do you agree with that?

24 A. Yes, ma'am.

25 Q. Now, did Mr. Sicoli go through the criminal history

1 category with you?

2 A. Yes.

3 Q. And the plea agreement states that the parties both
4 believe that your Criminal History Category is I, correct?

5 A. Yes, ma'am.

6 Q. Now, you understand that that's what the parties
7 believe, but there is a chance that the parties could be
8 wrong, correct?

9 A. That's correct.

10 Q. And in the end it's going to be up to the Court to
11 decide what your criminal history category is, you
12 understand that?

13 A. Yes, I do.

14 Q. Now, if we take the base offense level for Counts 1, 2,
15 and 5, which was 27, and then we take your criminal history
16 category, the guideline range for those counts is 70 to 87
17 months' imprisonment. Do you understand that and agree with
18 that?

19 A. Yes, I do.

20 Q. Now, Count 3 is a little bit different. And I'm sure
21 that Mr. Sicoli went over Count 3 with you, correct?

22 A. Yes, that's correct.

23 Q. Now, Count 3 has a statutory mandatory minimum sentence
24 of 84 months and that's going to run consecutive to the
25 guideline range for the other counts, and what that means is

1 it's going to come after, they are going to go one after the
2 other. Do you understand that?

3 A. Yes.

4 Q. That results in a total guideline range of 154 to 171
5 months' imprisonment. Do you agree with that, Mr. Brantley?

6 A. Yes.

7 Q. Do you feel that you have had adequate time to go over
8 these guideline calculations with your attorney?

9 A. Yes.

10 Q. Thank you.

11 Now, based on those guideline ranges and the
12 adjusted offense level, the fine is going to be 25,000 to
13 250,000 dollars. Do you understand that?

14 A. Yes.

15 Q. And, of course, in the end it's going to be up to the
16 Court to decide what your fine will be or if you will get a
17 fine.

18 And then supervised release, which the Court
19 already thoroughly went over, the range is going to be at
20 least two years, but not more than five years. Does that
21 sound right to you?

22 A. Yes, ma'am.

23 Q. Now, another thing to note is that in this plea
24 agreement both parties have reserved the right to make
25 departure motions and to oppose any motions made by the

1 opposing party, which means that at sentencing the United
2 States could ask the judge to vary from the guidelines
3 range, but so could you and Mr. Sicoli. Does that make
4 sense to you?

5 A. Yes, it does.

6 Q. Now, notwithstanding that, the one thing that is
7 statutory that no one has any control over is the 84 months
8 for Count 3 and the fact that those 84 months have to run
9 consecutive to any other months of imprisonment imposed. Do
10 you understand that?

11 A. Yes, I do.

12 Q. Now, it's important to note, and I think we've already
13 gone over this, that in the end, all of this is going to be
14 up to Judge Wright. So in the end the Court is going to get
15 the presentence investigation and then she's going to be the
16 one making the final determination. You understand that?

17 A. Yes, I do.

18 Q. There are a couple of other things that I want to go
19 over, and the first one is paragraph 7 in the plea agreement
20 and that just says that in return for your guilty plea
21 today, as set forth in our plea agreement, the United States
22 is agreeing not to charge you with any additional crimes
23 based on any conduct that is known to the United States as
24 of today. Do you understand that?

25 A. Yes, I do.

1 Q. And then I want to move to paragraph 8 and in
2 paragraph 8 it goes over some agreements that were made
3 between you, the United States, and Ramsey County Attorney's
4 Office and Hennepin County Attorney's Office, correct?

5 A. Um-hmm.

6 Q. And did you go over those with Mr. Sicoli?

7 A. Yes.

8 Q. What those agreements are is that if you plead guilty
9 today as set forth in the agreement, those other two
10 counties will not bring criminal charges against you for any
11 criminal acts associated with Counts 1 through 3, 5, and 7
12 and an additional robbery in Brooklyn Park, Minnesota that
13 took place on March 23, 2018. Does that sound correct to
14 you?

15 A. Yes.

16 Q. Now, Judge Wright already went over your appellate
17 waiver with you. Did that make sense to you? You
18 understood that you were waiving your right to an appeal
19 unless you were sentenced to more than 162 months?

20 A. Yes, it did.

21 Q. And you're also waiving the right to file a
22 collateral -- a post-conviction collateral attack?

23 A. What is that?

24 Q. Did Mr. Sicoli go over a 2255 motion with you?

25 A. No, he didn't.

1 MS. BATES: Mr. Sicoli, do you want to take a few
2 minutes to go over that with him or --

3 MR. SICOLI: I can go over it with him on the
4 record because we had some discussion about it. I think he
5 is just confused about the statute number.

6 THE COURT: Thank you, Mr. Sicoli.

7 **EXAMINATION**

8 BY MR. SICOLI:

9 Q. Mr. Brantley, you and I discussed the fact that you do
10 have a right -- in addition to an appeal, you usually have a
11 right to file a motion, a writ of habeas corpus, saying that
12 something was wrong in your case. Do you understand that?

13 A. Oh, okay. Yeah.

14 Q. And you understand that under this appeal waiver, you're
15 not only giving up your right to do an appeal if you get
16 less than 162 months or less, but you're also giving up the
17 right to do a collateral attack; do you understand that?

18 A. That's what I was asking. The "collateral attack"
19 phrase, what is it? So is that the habeas corpus?

20 Q. Yes, that's filing a habeas corpus.

21 A. Okay.

22 Q. Now, you and I discussed the fact, though, that there is
23 an exception to that and it is contained in the plea
24 agreement, that you are reserving your right to make a claim
25 of ineffective assistance of counsel if you think that I

1 didn't advise you correctly or did something wrong. Do you
2 understand that?

3 A. Yes, yes.

4 Q. So regardless of the fact that you're giving up your
5 right to file an appeal if it's 162 months or less, you
6 still are reserving the right both to appeal your case for
7 ineffective assistance of counsel and also to file a writ of
8 habeas corpus under 28 U.S.C. 2255 claiming that I did
9 something wrong and I was ineffective. You understand that?

10 A. Yes, I do.

11 MR. SICOLI: I think that's sufficient, Your
12 Honor.

13 THE COURT: Thank you.

14 MS. BATES: Thank you.

15 THE COURT: Is there anything further as to the
16 factual basis or the terms of the plea agreement?

17 MS. BATES: You don't mean the factual basis,
18 right?

19 THE COURT: I'm sorry. No. The terms of the plea
20 agreement.

21 MS. BATES: One more term I would like to go over,
22 Your Honor.

23 THE COURT: Please.

24

25

EXAMINATION

1 BY MS. BATES:

3 Q. Mr. Brantley, you also see in paragraph 14 that you've
4 agreed to waive the Freedom of Information and Privacy Act,
5 correct?

6 A. Yes.

7 Q. And all that that means is that you cannot use that
8 particular statute to try to gain information, to get info
9 about your case. So you can't use that civil statute to try
10 to get information about your case. Did Mr. Sicoli go over
11 that with you?

12 A. Yes, he did.

13 Q. Okay. Thank you.

14 And then, lastly, you have agreed to a total of
15 \$94,809 in restitution, correct?

16 A. Yes.

17 MS. BATES: Thank you. Nothing further, Your
18 Honor.

19 THE COURT: Thank you, Ms. Bates.

EXAMINATION

21 BY THE COURT:

22 Q. Now, Mr. Brantley, Ms. Bates has just reviewed with you
23 the terms of the plea agreement. Are those the terms as you
24 understand them?

25 A. Yes, ma'am.

1 Q. And I want to be sure that you understand the impact of
2 your plea agreement with the United States on me, so the
3 impact on me.

4 First, although the United States and your
5 attorney can make a recommendation about your sentence, I
6 don't have to accept that recommendation and I don't have to
7 sentence you according to the plea agreement. Do you
8 understand that?

9 A. Yes, ma'am.

10 Q. Okay. And your plea agreement discusses the federal
11 sentencing guidelines. I want to explain to you how I will
12 use those guidelines.

13 So first I'll look at the federal sentencing
14 guidelines and I will decide for myself what they recommend
15 in your case. So what the plea agreement says about the
16 sentencing guidelines, that's not binding on me. Do you
17 understand that?

18 A. Yes, ma'am.

19 Q. Okay. Now, I'll then look at the guidelines again
20 because sometimes the guidelines themselves recommend a
21 sentence that's either below or above that range, what we
22 call a departure. Do you understand that?

23 A. Yes, ma'am.

24 Q. Okay. And, finally, I will decide whether to follow the
25 sentencing guidelines' recommendation. I want you to

1 understand it's just a recommendation. It is not binding on
2 me and, in fact, I'm required to consider many things in
3 addition to the recommendation of the guidelines when I
4 decide on your sentence. Do you understand that?

5 A. Yes, ma'am.

6 Q. Okay. And so you can't count on receiving a guideline
7 sentence. You may get a sentence that's higher than the
8 guidelines. You may get a sentence that's lower than the
9 guidelines recommend. Do you understand that?

10 A. Yes, ma'am.

11 Q. Okay. And I want to make clear that as I sit here
12 today, I do not know what sentence I will impose and I won't
13 begin to consider what sentence I should impose until a
14 presentence investigation is completed and I receive that
15 presentence report about you.

16 And so because I have no idea what sentence I will
17 impose, it's important to know and remember and to keep in
18 mind neither the lawyers nor you nor anyone else can know
19 what sentence I will impose. Make sense?

20 A. Yes, ma'am.

21 Q. Okay. It's possible that I will give you a sentence
22 that's longer than you're expecting or hoping for. That's a
23 possibility. And if that happens, you will not be able to
24 take back or withdraw your guilty plea. You may be able to
25 appeal your sentence, but no matter what sentence I impose,

1 your guilty plea will stand. Do you understand that?

2 A. Yes, ma'am.

3 Q. Okay. Now, before you can plead guilty, Mr. Brantley, I
4 have to determine whether there is a factual basis for your
5 guilty plea and this means I have to make sure that you
6 actually committed the crimes that you're pleading guilty
7 to. And so at this point I'll ask Ms. Bates to review with
8 you the factual basis for the guilty pleas.

9 MS. BATES: Thank you.

EXAMINATION

11 BY MS. BATES:

12 Q. Mr. Brantley, we're going to start on page 2 of the plea
13 agreement and start with the factual basis for Counts 1, 2,
14 3, and 5.

15 Is it true that on February 22, 2018 you and two
16 co-conspirators, by force, violence, and intimidation, took
17 from victim tellers approximately \$9,816 in United States
18 currency belonging to Lake Area Bank in White Bear Lake,
19 Minnesota?

20 A. That's true.

21 Q. Is it true that prior to robbing Lake Area Bank, you and
22 your two co-conspirators cased the bank in preparation for
23 the robbery?

24 A. That's true.

25 Q. Is it true that during the robbery on February 22, 2018,

1 all three, you and the two co-conspirators, entered the
2 bank, approached the employees, and demanded money?

3 A. That's true.

4 Q. And that each three of you were armed with handguns;
5 however, all three of you wore face masks and gloves to
6 conceal your identities?

7 A. That's correct.

8 Q. Is it true that all three of you brandished the handguns
9 during the course of the robbery?

10 A. That's correct.

11 Q. Is it true that you specifically were armed with a
12 loaded .40-caliber Glock handgun?

13 A. That's true.

14 Q. Is it true that your role in the Lake Area Bank robbery
15 was to make sure that no employees made phone calls or took
16 action to alert law enforcement while the other two
17 co-conspirators took money from the bank tellers?

18 A. That's true.

19 Q. Is it true that, in response to these demands and
20 threats from you and your co-conspirators, the victim
21 tellers at the Lake Area Bank provided all three of you with
22 \$9,816?

23 A. Yes.

24 Q. And then all three of you fled Lake Area Bank and threw
25 cell phones that you had taken from employees and patrons of

1 the bank out the window as you drove away?

2 A. That's true.

3 Q. Is it true that at the time of the robbery, Lake Area
4 Bank was federally insured by the Federal Deposit Insurance
5 Corporation?

6 A. I wouldn't exactly know that, but I would assume so.

7 Q. Well, I don't want you to assume anything. If we
8 received information that on February 22, 2018 Lake Area
9 Bank was insured by the FDIC, would you agree with that?

10 A. Yes, I would. I mean, you would know better than I
11 would, I mean, as far as the insurance go. I mean, I would
12 agree with that.

13 Q. Thank you.

14 Now, following that bank robbery, did you and the
15 two co-conspirators split the proceeds?

16 A. Yes.

17 Q. Now, on May 4, 2018 you and two co-conspirators, by
18 force, violence, and intimidation, took from victim tellers
19 \$88,618 in United States currency belonging to Bremer Bank
20 in Brooklyn Center, Minnesota; is that true?

21 A. That's true.

22 Q. During that robbery you and one of the other
23 co-conspirators entered Bremer Bank and approached the
24 employees of the bank and demanded money, correct?

25 A. That's correct.

1 Q. Each of you were armed with handguns and each of you
2 wore face masks and gloves, correct?

3 A. That's correct.

4 Q. The third bank robber, the third co-conspirator,
5 remained outside in a getaway car throughout the robbery,
6 correct?

7 A. Yes.

8 Q. That co-conspirator was able to communicate with the two
9 of you by using walkie-talkies, correct?

10 A. That's correct.

11 Q. During the May bank robbery, you were armed with a
12 loaded .40-caliber Glock handgun, correct?

13 A. That's correct.

14 Q. Now, in response to demands and threats from you and the
15 co-conspirator, the victim tellers of the bank provided you
16 with \$88,618, correct?

17 A. That's correct.

18 Q. After brandishing the firearms, you and two of the other
19 co-conspirators drove away from the bank, correct?

20 A. That's correct.

21 Q. Now, at the time of the robbery, the Bremer Bank's
22 deposits were federally insured by the Federal Deposit
23 Insurance Corporation, correct?

24 A. Correct.

25 Q. And you have no reason to dispute that, correct?

1 A. No.

2 Q. You have no reason to dispute that Lake Area Bank was
3 insured by the FDIC either, correct?

4 A. No, I -- no. I mean, if you -- I mean, just because,
5 like, I don't know.

6 Q. That's fine.

7 Following the bank robbery in May, you and the
8 other two robbers split the proceeds, correct?

9 A. That's correct.

10 Q. And later on on the evening of May 4th, you burned the
11 clothes that you wore during the bank robbery to try to
12 conceal the evidence, correct?

13 A. That is correct.

14 Q. Now I'm going to move on to May 22, 2018, and that's the
15 disposal of a firearm to a prohibited person, Count 7.

16 On the evening of May 21, 2018, you were provided
17 with two handguns by an individual known to you, correct?

18 A. That's correct.

19 Q. You were given the two handguns by this individual after
20 hearing multiple gunshots and seeing a dead body in the
21 vicinity of your house, correct?

22 A. That's correct.

23 Q. The firearms included a Glock 27 handgun and a Heckler &
24 Koch handgun, correct?

25 A. That's correct.

1 Q. The next morning, on May 22, 2018, you and the
2 individual arranged to meet so that you could return the
3 firearms to him, correct?

4 A. That is correct.

5 Q. And you met at a Perkins restaurant in Minneapolis,
6 Minnesota?

7 A. That's correct.

8 Q. At this meeting you returned those two handguns to the
9 individual, correct?

10 A. That's correct.

11 Q. During the course of your conversation with him on
12 May 22, 2018, this individual told you that he had used
13 those two firearms to shoot a man the night before, on
14 May 21, 2018, correct?

15 A. That is correct.

16 Q. And you were aware that on May 21 and May 22, 2018 this
17 shooter was a convicted felon who was prohibited from
18 possessing firearms, correct?

19 A. Correct.

20 Q. You were also aware, from prior conversations that you
21 had with him, that he knew that he was prohibited from
22 possessing firearms because of his prior convictions,
23 correct?

24 A. That is correct.

25 Q. Now, you agree that you possessed those firearms on

1 May 21 to 22, 2018 and you acted voluntarily when you
2 possessed them and when you gave them back to the shooter,
3 correct?

4 A. Say that again.

5 Q. You agree that all your actions were voluntary in that
6 situation, you voluntarily took the firearms from the
7 shooter and then you voluntarily gave them back. No one
8 threatened you, correct?

9 A. That's correct.

10 Q. Those two handguns were manufactured outside the state
11 of Minnesota, correct, or you would have no reason to
12 dispute that they were manufactured outside the state of
13 Minnesota?

14 A. Yeah, that's correct.

15 Q. Which means that they traveled into the state of
16 Minnesota prior to May 22, 2018, correct?

17 A. Yes.

18 Q. Now, just to clarify, all of the actions that we've gone
19 over today, Mr. Brantley, for Counts 1, 2, 3, 5, and 7, were
20 all actions that you committed voluntarily, correct?

21 A. Say that again.

22 Q. All of the actions that we've gone over today were
23 actions that you committed voluntarily, correct?

24 A. Yes, ma'am.

25 MS. BATES: Your Honor, nothing further.

1 THE COURT: Mr. Sicoli, are there any other
2 provisions that need to be reviewed or anything else that
3 needs to be clarified regarding the factual basis?

4 MR. SICOLI: No, Your Honor.

5 THE COURT: How has the plea agreement been
6 tendered?

7 (Document handed to Court by courtroom deputy)

8 THE COURT: Thank you.

9 BY THE COURT:

10 Q. I'm looking at a hard copy of the plea agreement,
11 Mr. Brantley, and I'm looking in particular at page 13 of
12 that plea agreement, which is the last page. Now, there are
13 three signature lines, and the one in the middle has your
14 name and a signature above it. Is that your signature, sir?

15 A. Yes, ma'am.

16 THE COURT: And, Mr. Sicoli, is there anything
17 else that we should address as to the factual basis or that
18 needs to be clarified?

19 MR. SICOLI: No. The only thing I would ask to
20 clarify is I think when you were asking Mr. Brantley
21 questions, I think you mentioned that the maximum penalty on
22 Count 5 was ten years. My understanding is it should be
23 five years, Your Honor, for the conspiracy count.

24 THE COURT: I will stand corrected.

25 BY THE COURT:

1 Q. Do you understand that that is the maximum possible
2 penalty?

3 A. Yes, ma'am. I'm just trying to find it, but I
4 understand --

5 Q. Let's go to the page of the plea agreement that
6 describes it.

7 MR. SICOLI: Mr. Brantley, it's page 6.

8 THE DEFENDANT: For Count 5?

9 THE COURT: Yes.

10 THE DEFENDANT: Okay.

11 THE COURT: And as to the fine, would you clarify
12 that for me, Mr. Sicoli.

13 MR. SICOLI: Yeah. Looking at paragraph -- or
14 page 6 on the maximum -- first of all, the maximum term for
15 the conspiracy offense is five years. Do you understand
16 that, Mr. Brantley?

17 THE DEFENDANT: Yes.

18 MR. SICOLI: And you also understand that the
19 maximum fine is up to \$250,000; is that correct?

20 THE DEFENDANT: Yes.

21 MR. SICOLI: Thank you, Your Honor.

22 THE COURT: Thank you. Is there anything further
23 that needs to be addressed or clarified at this time?

24 MR. SICOLI: No, Your Honor.

25 BY THE COURT:

1 Q. Now, Mr. Brantley, other than what's contained in that
2 plea agreement and what I have told you, has the government
3 or anyone else made any promises to you in order to get you
4 to plead guilty?

5 A. No, ma'am.

6 Q. And has anyone forced you or threatened you, coerced you
7 or done any harm to you or any other person to get you to
8 plead guilty?

9 A. No, ma'am.

10 Q. Are you planning to plead guilty today because you are,
11 in fact, guilty of the crimes to which you will plead
12 guilty?

13 A. Yes, ma'am.

14 Q. And are you making this guilty plea voluntarily and
15 on -- or these pleas voluntarily and on your own free will?

16 A. Yes, ma'am.

17 THE COURT: Anything further that we need to
18 address as to the voluntariness?

19 MR. SICOLI: We don't have anything further, Your
20 Honor.

21 THE COURT: Okay. Ms. Bates, anything further
22 that you would like me to cover before I ask Mr. Brantley
23 for his plea?

24 MS. BATES: No. Thank you, Your Honor.

25 BY THE COURT:

1 Q. Mr. Brantley, do you have any questions for me or for
2 Mr. Sicoli before I ask for your plea?

3 A. No, ma'am.

4 Q. You understand your constitutional rights?

5 A. Yes, I do.

6 Q. And you also knowingly and intelligently and voluntarily
7 give up those rights?

8 A. Yes, I do.

9 Q. Then I will ask you, Samuel Lamar Brantley, how do you
10 plead to Count 1 of the Indictment, which alleges that you
11 committed the crime of armed bank robbery, in violation of
12 Title 18, United States Code, Sections 2113(a) and 2113(d),
13 do you plead guilty or not guilty?

14 A. Guilty.

15 Q. And, Mr. Brantley, how do you plead to Count 2 of the
16 Indictment, which alleges that you committed the crime of
17 armed bank robbery, in violation of Title 18, United States
18 Code, Sections 2113(a) and 2113(d), do you plead guilty or
19 not guilty?

20 A. Guilty.

21 Q. As to Count 3, Mr. Brantley, that count alleging that
22 you committed the crime of carrying a firearm during and in
23 relation to a crime of violence, in violation of Title 18,
24 United States Code, Section 924(c) (1) (A) (ii), how do you
25 plead, guilty or not guilty?

1 A. Guilty.

2 Q. And, Mr. Brantley, how do you plead to Count 5 of the
3 Indictment, which alleges that you committed the crime of
4 conspiracy to commit bank robbery, in violation of Title 18,
5 United States Code, Sections 2113(a), 2113(d), and 371, do
6 you plead guilty or not guilty?

7 A. Guilty, Your Honor.

8 Q. Okay. And, Mr. Brantley, how do you plead to Count 7
9 of the Indictment, which alleges that you committed the
10 crime of disposing of a firearm to a felon, in violation of
11 Title 18, United States Code, Sections 922(d)(1) and
12 924(a)(2), do you plead guilty or not guilty?

13 A. Guilty, Your Honor.

14 THE COURT: So based on the record in this case, I
15 find that the defendant, Samuel Lamar Brantley, is mentally
16 competent and capable of entering an informed plea.

17 I find that Mr. Brantley understands the nature of
18 the charges against him, the nature of these proceedings,
19 and the consequences of his guilty pleas.

20 I find that Mr. Brantley has made his guilty pleas
21 in a manner that is free, that's voluntary, that's knowing
22 and informed.

23 And I find that his pleas of guilty are supported
24 by independent facts in the record establishing all of the
25 elements of the offenses listed in Counts 1, 2, 3, 5, and 7

1 of the Indictment.

2 So, Mr. Brantley, I accept your guilty pleas and I
3 adjudge you guilty of each of the offenses to which you have
4 pled guilty as a matter of law.

5 So, Mr. Brantley, I want to review with you now
6 what will happen next.

7 The probation officer will conduct an
8 investigation and that probation officer will prepare a
9 report that helps me determine what your sentence should be,
10 and the probation officer will interview you as part of that
11 investigation and you will be required to give information
12 for that report. Now, Mr. Sicoli, your attorney, certainly
13 may be present with you when you're interviewed.

14 After the report is prepared, you'll have a chance
15 to read the report and to review the report and to discuss
16 the report with Mr. Sicoli, your attorney, and if there's
17 anything in that report that you think is incorrect or that
18 you think is unfair or if you believe that there's been
19 something left out of the report that you want me to know,
20 you will have the chance to file objections to the report.

21 And before I decide on your sentence, I will read
22 not only the report, but I will also review any objections
23 that you or the government have made, as well as any other
24 papers that you and the government have submitted.

25 We will then have a sentencing hearing, and that's

1 where I will impose your sentence. But before I impose that
2 sentence, I will give both you and your attorney,
3 Mr. Scolicli, an opportunity to speak at that hearing, and the
4 United States will also have an opportunity to speak and be
5 heard.

6 Do you understand how we will move forward from
7 here, Mr. Brantley?

8 THE DEFENDANT: Yes, ma'am. You mentioned
9 something about papers. Can you -- you said, "papers."
10 What type of papers?

11 THE COURT: I'm thinking of all of the materials
12 that will be prepared for the Presentence Investigation
13 Report. So you will have an opportunity -- that will be a
14 written report and you will have the opportunity to review
15 that.

16 THE DEFENDANT: Oh, okay.

17 THE COURT: Mr. Brantley is currently in custody
18 and the Mandatory Detention Act does apply.

19 Is there anything further from counsel at this
20 time?

21 MS. BATES: Not from the United States, Your
22 Honor.

23 MR. SICOLI: No, Your Honor. Thank you.

24 THE COURT: Okay. So, Mr. Brantley, you are
25 remanded to the custody of the United States Marshal at the

1 conclusion of this hearing.

2 You will be informed of the date of your
3 sentencing hearing. The law requires that you attend your
4 sentencing hearing, and the failure to appear at your
5 sentencing hearing is itself a crime that you could be
6 prosecuted for if you fail to appear. Do you understand
7 that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Okay. I have one additional matter
10 that we need to address and that is a housekeeping matter or
11 a courtroom keeping matter, and that is I will ask that
12 everyone clean up using the disinfectants and other cleaning
13 materials and solutions that are at counsel table before you
14 leave the courtroom today. So use that to disinfect your
15 area and, Mr. Sicoli, the area that's occupied by
16 Mr. Brantley as well and certainly all of the area that the
17 United States is occupying needs to be cleaned before you
18 all leave the courtroom.

19 I'm looking to see if handsets were used. If
20 handsets -- I'm sorry. If headsets were used, please clean
21 those as well, and the supplies and the instructions for you
22 are at your counsel table.

23 Is there anything further that we need to address
24 at this time on this matter?

25 MR. SICOLI: No, Your Honor. Thank you.

1 MS. BATES: No, Your Honor. Thank you.

2 THE COURT: Okay. So this concludes our hearing.

3 Thank you, Counsel. And good luck to you, Mr. Brantley.

4 THE DEFENDANT: Thank you.

5 (Court adjourned at 10:24 a.m.)

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Certified by: s/ Lori A. Simpson

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Lori A. Simpson, RMR-CRR

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